

### **REMARKS/ARGUMENTS**

Reconsideration is respectfully requested of the Official Action of January 26, 2005, relating to the above-identified application.

Claim 1 has been amended to incorporate the subject matter of Claim 2; that is, to define the dispersion-supporting additive as a styrene-acrylic acid copolymer. This has necessitated the deletion of Claim 2. Claims 12, 15 and 20 have been amended to be consistent with the definition of the dispersion supporting additive and Claims 13 and 16 have been deleted as redundant.

Reconsideration is respectfully requested of the objection to the disclosure. In the Official Action, attention is called to the information contained in Table 4 on page 11 which is said to be inconsistent with the claim limitations which require that the surface tension of the gas black suspension be greater than 50 mN/m. With respect to the information found in Table 4, applicants would point out that the data presented in that table relates not to the gas black dispersions but to the inks containing the gas black dispersions. The gas black subject matter is shown in Table 2 on page 7 and the data for the gas black suspensions is set forth in Table 3 on page 9 which clearly shows that the surface tension for the gas black suspension 2 according to the invention is 65; that is, greater than 50 mN/m.

Consequently, applicants respectfully submit that the information found in Table 4 on page 11 is not inconsistent with the remainder of the application.

The rejection of Claims 1, 4-12, 15 and 18-25 under 35 U.S.C. § 102(b) as anticipated by *Kijlstra, et al.* (US 5,969,002) is traversed and reconsideration is respectfully requested.

With the amendment of Claim 1 to incorporate the subject matter of Claim 2, it is respectfully submitted that the application is now in condition for allowance.

Acrylic acid copolymers are not disclosed in the cited reference.

The rejection of Claims 2, 3, 13-14 and 16-17 under 35 U.S.C. § 103 as being unpatentable over *Kijlstra* taken with *Yamaguchi* (US 6,794,473) is traversed and reconsideration is respectfully requested.


The Official Action admits that the *Kijlstra* patent does not disclose the use of a styrene-acrylic acid copolymer and relies on *Yamaguchi* to show that an acrylic acid salt polymer has excellent dispersability and water solubility and is used in pigment dispersions. However, there is no disclosure in the *Yamaguchi* patent of a styrene-acrylic acid copolymer and no indication that a person skilled in the art would be motivated by the *Yamaguchi* reference to believe that the *Kijlstra* compositions could be improved by the incorporation of a styrene-acrylic acid copolymer. In the absence of a reason, suggestion or motivation to make such a change, applicants respectfully submit that the cited references do not create *prima facie* obviousness for the claimed invention. Accordingly, applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

With regard to the matter of priority, applicants call attention to the claim for priority dated July 24, 2003 (copy enclosed) which was filed by applicants at the time the application was filed. A copy of applicants' postcard receipt is enclosed for the convenience of the Examiner and clearly shows receipt by the PTO of the claim for priority and the certified copy. It is thereby requested that a search be conducted of the records of the U.S. Patent and Trademark Office to locate the certified copy of the German patent application indicated on the enclosed copy of the postcard receipt.

Favorable action at the Examiner's earliest convenience is respectfully requested.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:   
Robert G. Weilacher, Reg. No. 20,531

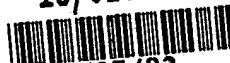
Suite 3100, Promenade II  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3592  
Telephone: (404): 815-3593  
Facsimile: (404): 685-6893

COPY

Please stamp with the date of receipt & return to addressee.

Applicants: ZOCH, Heinz et al.  
Appl. No.: To Be Assigned  
Filing Date: Concurrent Herewith  
Title: Aqueous, Colloidal, Freeze-Resistant and Storage-Stable Gas Black Suspension

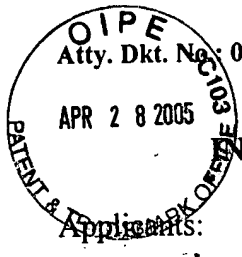
- Papers Submitted:
- 1) \$880.00 Check;
  - 2) Utility Patent Application Transmittal (1 page);
  - 3) Fee Transmittal for FY 2003 (1 page);
  - 4) Specification (12 pages), Claims (3 pages), Abstract (1 page), and Drawings (2 sheets, depicting Figs. 1a-2d);
  - 5) Declaration (4 pages);
  - 6) Recordation Form Cover Sheet and Assignment (3 pages);
  - 7) Information Disclosure Statement and Form PTO/SB/08A with 4 cited references (37 pages);
  - 8) Claim for Foreign Priority and Certified Copy of German Patent Application No. 102 35 027.2 (22 pages);
  - 9) Certificate of Mailing Under 37 C.F.R. §1.10 (1 page); and
  - 10) Return Receipt Postcard.

19972 U.S. PTO  
10/627501  
  
07/25/03

Sender: RGW/lk  
Date Sent: July 25, 2003 (Express Mail Label No. EL327360385US)  
Atty. Dkt. No.: 032301.341

SCRIP  
DOCKETED

8-11-03



Atty. Dkt. No. 032301.341

PATENT

APR 28 2005

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: ZOCH, Heinz et al. )

Serial No.: To Be Assigned )

Filed: Concurrent Herewith )

For: Aqueous, Colloidal, Freeze-Resistant and Storage-Stable Gas )  
Black Suspension )

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

COPY

CLAIM FOR FOREIGN PRIORITY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Relating to the above-identified United States patent application, and under the provisions of Section 119 of 35 U.S.C., Applicants hereby claim the benefit of German Application No. 102 35 027.2, filed in Germany on July 31, 2002.

In support of Applicants' claim for priority, a certified copy of said German application is attached hereto.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: Robert G. Weilacher, Reg. No. 20,531

Dated: July 24, 2003  
Suite 3100, Promenade II  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3592  
Ph: (404) 815-3593  
Fax: (404) 685-6893

# BUNDESREPUBLIK DEUTSCHLAND



COPY

## Prioritätsbescheinigung über die Einreichung einer Patentanmeldung

**Aktenzeichen:** 102 35 027.2

**Anmeldetag:** 31. Juli 2002

**Anmelder/Inhaber:** Degussa AG, Düsseldorf/DE

**Bezeichnung:** Wässrige, kolloidale, gefrier- und lagerstabile Gas-  
rußsuspension

**IPC:** B 01 J, C 09 D

Die angehefteten Stücke sind eine richtige und genaue Wiedergabe der ur-  
sprünglichen Unterlagen dieser Patentanmeldung.

München, den 26. März 2003  
Deutsches Patent- und Markenamt  
Der Präsident  
Im Auftrag

...nger